

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL BENTLEY, *et al.*, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

LG ELECTRONICS U.S.A., INC.

Defendant.

Case No. 2:19-cv-13554-MCA-
MAH (consolidated with Case Nos.
2:19-cv-15185-MCA-MAH, 2:19-
cv-15826-MCA-MAH, and 2:20-cv-
07652-MCA-MAH)

**FINAL APPROVAL ORDER
AND JUDGMENT**

This matter came before the Court for hearing pursuant to the Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Providing for Notice, dated August 19, 2020 ("Preliminary Approval Order"), ECF No. 52, on the motion of Plaintiffs Terry Driscoll, Cheryl Ervin, Leah Scala Israel, Sarah Johnson, Sam Lee, Patrick Romano, Carlos Stocco, Diane Terry, and Michael Burrage ("Plaintiffs") for approval of the proposed class action settlement with Defendant LG Electronics America, Inc. ("LG" or "Defendant") to resolve this Litigation. The Litigation includes this action and *Sosenko et al. v. LG Electronics U.S.A., Inc.*, No. 8-19-cv-00610-JLS (ADSx) (C.D. Cal.), which has been transferred to this Court under 28 U.S.C. § 1404 for the purpose of considering and, if appropriate, effectuating the proposed Settlement of the Litigation.

Due and adequate notice having been given of the Settlement as required by the Preliminary Approval Order, the Court having considered all papers filed and proceedings conducted herein, and good cause appearing therefor, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. This Final Order and Judgment incorporates by reference the definitions in the Parties' Settlement Agreement (the "Settlement"), and all defined terms used herein have the same meanings ascribed to them in the Agreement.
2. This Court has jurisdiction over the subject matter of the Action and over all Parties thereto, and venue is proper in this Court.
3. The Court reaffirms and makes final its provisional findings, rendered in the Preliminary Approval Order, that, for purposes of the Settlement, all prerequisites for maintenance of a class action set forth in Federal Rules of Civil Procedure 23(a) and (b)(3) are satisfied. The Court hereby makes final its appointments of Class Counsel and the Class Representatives and certifies the following Settlement Class:

All Persons in the United States who purchased from an authorized retailer, other than for resale, a Covered Model¹ of LG Refrigerator produced between January 1, 2014 and December 31, 2017.

¹ A list of Covered Models is annexed to the Settlement Agreement as Exhibit 5.

Persons who previously executed a release of claims in favor of LG with respect to the Released Claims are excluded from the Settlement Class.

4. Pursuant to Federal Rule of Civil Procedure 23(e), the Court grants final approval of the Settlement and finds that it is, in all respects, fair, reasonable, and adequate and in the best interests of the Settlement Class.

5. The Court finds that notice of this Settlement was given to Settlement Class Members in accordance with the Preliminary Approval Order and constituted the best notice practicable of the proceedings and matters set forth therein, including the Litigation, the Settlement, and the Settlement Class Members' rights to object to the Settlement or opt out of the Settlement Class, to all Persons entitled to such notice, and that this notice satisfied the requirements of Federal Rule of Civil Procedure 23 and of due process. The Court further finds that the notification requirements of the Class Action Fairness Act, 28 U.S.C. § 1715, have been met.

6. The Court therefore directs the Parties and the Settlement Administrator to implement the Settlement according to its terms and conditions.

7. Upon the Effective Date, all Settlement Class Members, on behalf of themselves and their agents, heirs, executors and administrators, successors, assigns, insurers, attorneys, representatives, and any and all Persons who seek to claim through or in the name or right of any of them (the "Releasing Parties"),

shall be deemed to have released and forever discharged, upon good and sufficient consideration, LG, its administrators, insurers, reinsurers, agents, firms, parent companies/corporations, sister companies/corporations, subsidiaries and affiliates, including any sales agents and affiliated distributors and technicians, and all of the foregoing Persons' respective predecessors, successors, assigns and present and former officers, directors, shareholders, employees, agents, attorneys, and representatives (collectively, the "Released Parties"), from each and every claim of liability, on any legal or equitable ground whatsoever, including relief under federal law or the laws of any state, asserted or unasserted, known or unknown, arising out of or related to the Litigation or the subject matter of the Litigation, and which were or could have been asserted in the Litigation, including, without limitation, all past and present claims, damages, or liability on any legal or equitable ground whatsoever ("Released Claims"). Accordingly, upon the Effective Date, Plaintiffs and all other Settlement Class Members and those subject to their control are hereby permanently enjoined from commencing, maintaining, or participating in, or permitting another to commence, maintain, or participate in on their behalf, any Released Claim against a Released Party. This Release is as a result of the Settlement Class Members' membership in the Settlement Class and status as Releasing Parties, the Court's approval process, and the occurrence of the Effective Date and is not conditioned on receipt of payment

by any particular Settlement Class Member or Releasing Party. All personal injury claims are expressly excluded from this Release.

8. The Persons identified in Exhibit 1 hereto requested exclusion from the Settlement Class as of the Objection and Opt-Out Deadline. These Persons shall not share in the benefits of the Settlement, and this Final Approval Order and Judgment does not affect their legal rights to pursue any claims they may have against LG. All other members of the Settlement Class are hereinafter barred and permanently enjoined from prosecuting any Released Claims against LG in any court, administrative agency, arbitral forum, or other tribunal.

9. Neither the Settlement, nor any act performed or document executed pursuant to or in furtherance of the Settlement, is or may be deemed to be or may be used as an admission of, or evidence of, (a) the validity of any Released Claim, (b) any wrongdoing or liability of Defendant or any other Released Party, or (c) any fault or omission of Defendant or any other Released Party in any proceeding in any court, administrative agency, arbitral forum, or other tribunal.

10. Neither Class Counsel's application for attorneys' fees, reimbursement of litigation expenses, and service awards for Plaintiffs, nor any order entered by this Court thereon, shall in any way disturb or affect this Judgment, and all such matters shall be treated as separate from this Judgment.

11. Without affecting the finality of this Judgment, this Court reserves

exclusive jurisdiction over all matters related to the administration, consummation, enforcement, and interpretation of the Settlement and/or this Final Approval Order and Judgment, including any orders necessary to effectuate the final approval of the Settlement and its implementation. If any Party fails to fulfill its obligations under the Settlement, the Court retains authority to vacate the provisions of this Judgment releasing, relinquishing, discharging, barring and enjoining the prosecution of, the Released Claims against the Released Parties and to reinstate the Released Claims.

12. If the Settlement does not become effective, this Judgment shall be rendered null and void to the extent provided by and in accordance with the Settlement and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Settlement.

13. The Litigation is hereby dismissed, with prejudice.

IT IS SO ORDERED.

Dated: 12/18/20, 2020



Hon. Madeline Cox Arleo
United States District Judge

EXHIBIT 1

LG Refrigerator Settlement Opt-Out List

Exclusion #	Name
1	CONNIE CARTER
2	RONALD D MARTINDALE
3	JOHN CAMPOS
4	EVEANN BONOMO
5	STEPHEN R BEACHY
6	ROBERT HAAG
7	THOMAS R WISSINGER
8	RAYMOND VILNIT
9	PORTER LEGGETT
10	ROBERT HANNAH
11	JEFF BAKER
12	WILLIAM M KELLY
13	ANDREW LUKASEK
14	SARA BROOKE BLACKMAN CHENG
15	TIEN K CHENG
16	MATTHEW SHAFER
17	MARIA ULY
18	ANTHONY WHEELER
19	SUSAN ODELL
20	KIM LEGION
21	LAWRENCE CARTER
22	DONAVON NEIDFELDT
23	RANDI NEIDFELDT
24	STEVE DAHL
25	PAUL BANNER
26	KEVIN KOSLOV
27	LAUNA LONIO
28	KEVIN ANDERSON
29	VIRGINIA HALE
30	JUDITH DONAGHEY
31	JENNIFER WALDNER
32	ANNARIE LESSING
33	MARK P SPENCER
34	MICHAEL RAMOS
35	ROBERT A SIGSBURY
36	SHARLETHA KENDRIX
37	DENNIS FAIRMAN
38	FRANCES FAIRMAN
39	MARY WILLIAMS
40	JEFF KERN
41	DANIEL R BOONE
42	LINDA SEISS
43	JOSEPH W NUTTER
44	TRACIE S NUTTER

45	BETTY PINCKNEY
46	CHUCK TAKACS
47	ROBERT E DAVIS
48	TERESA FIELDER
49	PHILLIP FIELDER
50	DAVID BLAEHOLDER
51	LINDA H HURST
52	PAMELA BAILEY
53	RYAN T BECKER
54	SIMON SHAW
55	EDWARD W BORYSZEWSKI
56	ROZLYN REINER
57	JOHN E MILLER
58	DANIEL KIM
59	ROSE M BONE
60	MARK IBSEN
61	CHALISA K CAMPOS
62	JULIA NAGLICH
63	MATT CAVENDER
64	MARY T NERI
65	MICHAEL G NERI
66	ROBERT J CORREDINE
67	CHRISTINA OSBORN
68	DEBBIE BROCKMAN
69	FRANKIE HUMPHEAYS
70	ANDREW TERRANOVA
71	GYNETTE TERRANOVA
72	CARL L CHRISTENSEN
73	LEEANN LAND
74	LEE WILLIAMS
75	EDWIN DUNCAN
76	PHYLLIS SLATTERY
77	KATHERINE SLATTERY